

22651 U.S.PTO  
040204

## CERTIFICATE OF EXPRESS MAILING

NUMBER: EV 317620987 US

DATE OF DEPOSIT: April 2, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Signature

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas Malvar

Amy Jelen Gilmer

Serial No.:

Filed: April 2, 2004

For: ANTIBODIES IMMUNOLOGICALLY REACTIVE  
WITH BROAD-SPECTRUM  
DELTA-ENDOTOXINS (AMENDED)

§ Group Art Unit:

§ Examiner:

§ Atty. Dkt. No.: MECO:210--4  
11792.0210.DVUS0317354 U.S.PTO  
10/817182

040204

REQUEST FOR FILING DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application U.S. Serial No. 10/365,645 filed February 12, 2003, entitled "ANTIBODIES IMMUNOLOGICALLY REACTIVE WITH BROAD-SPECTRUM DELTA-ENDOTOXINS (AMENDED)."

1. Enclosed is a copy of the prior application Serial No. 10/365,645, as originally filed, including specification (183 pages), claims (7 pages), original drawings (4 pages), abstract (1 page), and declaration. The undersigned hereby verifies to the best of his knowledge that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced

new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

The inventorship is the same as prior Application Serial No. 10/365,645.

2. The Commissioner is authorized to charge the filing fee of \$770.00 to Deposit Account No. 01-2508/11792.0210.DVUS03 to cover the filing fee as calculated upon entry of the Preliminary Amendment referred to in Item No. 6 below.

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$770.00
Total Claims	3 - 20 =	0 X	\$18.00 =	\$0.00
Independent	1 - 3 =	0 X	\$86.00 =	\$0.00
Claims				
Multiple Dependent Claim(s) -----			\$290.00	\$-0-.00
<b>TOTAL FILING FEES:</b>				<b>\$770.00</b>

3. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Deposit Account No. 01-2508/11792.0210.DVUS03.

4. The prior application is presently assigned to Monsanto Technology LLC.

5. Enclosed is a copy of the current Power of Attorney executed on behalf of Monsanto Technology LLC.

- 6. Enclosed is a preliminary amendment.
- 7. An Information Disclosure Statement (IDS) is enclosed.
- Form PTO-1449.
- 8. Enclosed is a substitute sequence listing and the computer readable form which have been updated to Patent In Version 3.2, from the copending application, Serial No. 10/365,465, filed February 12, 2003. Statements required under 37 C.F.R. § 1.821 (f) and (g) are also included.
- 9. Enclosed are three sheets of formal drawings (Figs. 1A-B and Figs. 2-4).
- 10. Address all future communications to:  

Amy G. Klann  
Howrey Simon Arnold & White, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400
- 11. Return Receipt Postcard (specifically itemized).

Respectfully submitted,



Amy G. Klann  
Reg. No. 48,155  
Agent for Assignee  
MONSANTO TECHNOLOGY LLC

HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400

Date: April 2, 2004



CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:

2/12/03  
Date

*Amy G. Kamm*  
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas Malvar  
Amy Jelen Gilmer

Serial No.: 09/873,873

Confirmation No.: 9453

Filed: June 4, 2001

For: POLYNUCLEOTIDE COMPOSITIONS  
ENCODING BROAD-SPECTRUM  $\delta$ -  
ENDOTOXINS

Group Art Unit: 1645

Examiner: M. Navarro

Atty. Dkt. No.: 11792.0210.DVUS01  
(MECO:210--2)

CORRESPONDENCE ADDRESS  
ELECTION UNDER 37 C.F.R. §§ 3.71 and 3.73  
AND POWER OF ATTORNEY

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please direct all communications as follows:

Patricia A. Kammerer  
HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, Texas 77057  
(713) 787-1400

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor(s).

The Assignee hereby revokes any previous Powers of Attorney and appoints:

T. K. Ball, Reg. No. 42,287; George R. Beck, Reg. No. 21,180; Gary M. Bond, Reg. No. 29,283; Grace L. Bonner, Reg. No. 32,963; Dennis R. Hoerner, Jr., Reg. No. 30,914; Thomas E. Kelley, Reg. No. 29,938; Lawrence M. Lavin, Jr., Reg. No. 30,768; E. Clifford Lawson, Reg. No. 46,860; Thomas P. McBride, Reg. No. 32,706; Michael J. Roth, Reg. No. 29,342; Joseph A. Schaper, Reg. No. 30,493; Donna E. Scherer, Reg. No. 34,719; Brian K. Stierwalt, Reg. No. 33,213; and Martha J. Yates, Reg. No. 47,194, each an attorney or patent agent with MONSANTO COMPANY, so long as they remain with such company.

and

John F. Lynch, Reg. No. 22,504; J. Paul Williamson, Reg. No. 29,600; John D. Norris, Reg. No. 28,246; Patricia A. Kammerer, Reg. No. 29,775; Stephen H. Cagle, Reg. No. 26,445; Melinda L. Patterson, Reg. No. 33,062; Susan K. Knoll, Reg. No. 33,254; Steven G. Spears, Reg. No. 43,926; Janelle D. Waack, Reg. No. 36,300; Ira D. Finkelstein, Reg. No. 44,680; Carter J. White, Reg. No. 41,374; Darrell Dotson, Reg. No. 44,661; Connie Flores-Jones, Reg. No. 41,755; Matthew Madsen, Reg. No. 45,594; Robert Auerbach, Reg. No. 46,525; Raymond Reese, Reg. No. 47,891; Christopher Buntel, Reg. No. 44,573; Jason C. Abair, Reg. No. 44,007; and Amy G. Klann, Reg. No. 48,155; each an attorney or patent agent with the law firm of HOWREY SIMON ARNOLD & WHITE, LLP, as its attorney so long as they remain with such law firm,

with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to MONSANTO TECHNOLOGY LLC referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Pursuant to MPEP § 324(2), the undersigned avers that she is empowered to sign this statement on behalf of assignee.

ASSIGNEE: MONSANTO TECHNOLOGY LLC

Date: February 12, 2003

By:



Name: Grace L. Bonner  
Registration No. 32,963  
Title: Intellectual Property Counsel

ASSIGNMENT:

Concurrently filed  
 Previously Recorded  
Date: June 13, 2001  
Reel: 012350  
Frame: 0224